

REMARKS

Claims 1-13 are pending in this application. Claims 1-3 and 7-10 have been amended. No new matter has been presented.

Initially, applicant thanks the Examiner for conducting a personal interview with applicant's representative on May 13, 2008. During the interview, the parties agreed on several minor amendments to claim 1. The Examiner conceded that the claims, once amended as discussed, would overcome the outstanding rejections. Accordingly, applicant has amended the claims as discussed.

Claim 1 stands rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended accordingly. Withdrawal of this rejection is respectfully requested.

Claims 1, 6, 7, 8, 12 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Toyoda, U.S. Patent No. 6,355,966. This rejection is respectfully traversed.

Claim 1, as amended, recites "a requester to *transmit a request to a recipient device* to which the *image data stored in the storage device is to be sent* for a designation of conversion processes to be performed to the image data." By way of illustration, a requester device may send an email to a receiver that includes a description that prompts the recipient to designate the contents of the prescribed conversion process to be performed to the image data. See, e.g., FIG. 8 and paragraph [0081]. This feature is neither taught nor suggested by Toyoda.

In Toyoda, the capability information of a desired destination terminal (e.g., IFAX 11B) is managed by the DNS server 14B. See Toyoda, FIG. 1. To obtain the capability information of the IFAX 11B, the IFAX 11A makes an inquiry to the server 13A. See Toyoda, Col. 7: 53-58. If the capability information is not available, the IFAX 11A then makes a similar inquiry to the DNS server 14A, which manages the zone A domain name. See Toyoda, Col. 7: 59-64. The DNS server 14A in turn makes an inquiry to the high DNS server 16, which notifies DNS server 14A of

the IP address of DNS server 14B. See Toyoda, Col. 8: 5-41. Thereafter, the DNS server 14A makes inquiry about the destination terminal IFAX 11B to the DNS server 14B using the obtained IP address. See Toyoda, Col. 8: 42-47.

Accordingly, in Toyoda, a requester does not “transmit a *request to a recipient device*,” as recited in claim 1 (emphasis added). Rather, in Toyoda, a requester (e.g., IFAX 11A) obtains the capability information of a recipient device (e.g., IFAX 11B) through the DNS 14B. Further, such request is not made “to a recipient device to which the *image data stored in the storage device* is to be sent,” as recited in claim 1 (emphasis added). The request for capability information of the IFAX 11B is made in advance of the image data being obtained and stored in the storage device. Thus, Toyoda fails to anticipate claim 1.

In addition, claim 1 recites “a *switcher* to switch between the first and second receivers *depending on a recipient using the recipient device*” (emphasis added). By way of illustration, based on whether or not the recipient resides in the intranet 100 to which the data transmission apparatus 10 belongs, i.e., whether the domain name in the recipient e-mail address is the same as that of the sender, the switcher switches between one of two routines used to designate the conversion processes, e.g., the routines shown in FIGs. 5-6. See specification, paragraph [0086]. This feature is also not taught or suggested by Toyoda. In Toyoda, even assuming, *arguendo*, that IFAX 11A receives the desired capability information from IFAX 11B, such capability information would not be received by IFAX 11A via two different receivers. Thus, Toyoda fails to anticipate claim 1.

Accordingly, claim 1 is respectfully submitted as allowable. Claims 7 and 8 recite similar features as claim 1 and are allowable for similar reasons. Claims 2-6 and 9-13 are dependent variously on claims 1 and 8 and are allowable for at least the same reasons.

In view of the above, each of the claims is in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the

claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **325772028200**.

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Respectfully submitted,

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